UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 MAR 14 AM 10: 06 CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Martin GUILLEN-Perez** Defendant.	'08 MJ 08 16 Magistrate Case No.: ________ COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **March 13, 2008**, within the Southern District of California, defendant **Martin GUILLEN-Perez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the San Ysidro Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officcer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **14th** DAY OF **March**, 2008.

UNITED STATES MAGISTRATE JUDGE

CXC

PROBABLE CAUSE STATEMENT

On March 13, 2008 at approximately 3:44 P.M., a male identified as **Martin GUILLEN-Perez (Defendant),** attempted to enter the United States from Mexico via the pedestrian primary lanes of the San Ysidro, California Port of Entry. Defendant presented to a Customs and Border Protection (CBP) Officer a Permanent Resident Card (Form I-551), bearing the name Odilon ESTRADA-Cervantes and stated he was going to Chula Vista, California. The CBP Officer suspected Defendant was an impostor to the Permanent Resident Card and subsequently referred Defendant to secondary for further inspection.

During secondary inspection Defendant's fingerprints were obtained and queried through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS identified Defendant as Martin GUILLEN-Perez, a citizen of Mexico who has been previously deported from the United States.

Further queries utilizing the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico without legal documents to enter the United States. DACS revealed Defendant was ordered deported by an Immigration Judge on or about April 1, 2003 and that his last physical removal from the United States was on or about December 12, 2007. Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to legally re enter the United States.